IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 1778 of 2007(J)

PETITIONER:

GEOGI D.MATTATHIL,
S/O.DEVASSIA, AGED 32 YEARS,
MATTATHIL HOUSE, VEROOR P.O.,
CHANGANACHERRY.

BY ADV. SRI.T.V.GEORGE,
SMT.LINDA GEORGE.

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE SECRETARY TO EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM.**
3. **THE DEPUTY DIRECTOR, (EDUCATION) KOTTAYAM.**
4. **THE CORPORATE MANAGER, CORPORATE EDUCATIONAL AGENCY OF CMI SCHOOLS PROVINCE OF ST.JOSEPH, THIRUVANANTHAPURAM.**

W.P.(C). NO.1778/2007:

5. RINCY LUKOSE, TEACHER,
ST.EPHREMS HIGH SCHOOL, MANNANAM.

BY ADV. SRI.T.S.JOHN,
SRI.M.S.RADHAKRISHNAN NAIR,
SRI.JOSEPH KODIANTHARA,
SRI.MATHEWS K.UTHUPPACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1778/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPOINTMENT ORDER-CUM-APPROVAL ORDER DTD. 18/09/00 ISSUED BY THE R.4. TO THE PETITIONER.

EXT.P.2: COPY OF THE APPOINTMENT ORDER-CUM-APPROVAL ORDER DTD. 11/06/01 ISSUED BY THE R.4. TO THE PETITIONER.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 22/05/06, PREFERRED BY THE PETITIONER BEFORE THE R.4.

EXT.P.4: COPY OF THE REPESENTATION DTD. 02/12/06 BEFORE THE R.2. BY THE PETITIONER.

EXT.P.5: COPY OF THE ORDER DTD. 27/12/06 PASSED BY THE R.2.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 30/12/06 BEFORE THE R.4. BY THE PETITIONER.

//TRUE COPY//

prv.

K.M.JOSEPH, J.

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WP.(C) No. 1778 OF 2007

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Dated this the 20th day of February, 2007

JUDGMENT

Prayer in the writ petition is to appoint the petitioner in the vacancy of HSA (Physical Science) arose on 1.6.2006 and to comply with Ext.P5 order passed by the second respondent DEO. Case of the petitioner is that petitioner is entitled under Rule 51A to be appointed as HSA. It is submitted on behalf of the respondent No.4 that an appeal has been preferred before the third respondent.

2. Government Pleader on instructions submits that appeals are pending before the third respondent against Ext.P5 order. In such circumstances Ext.P5 has not become final.

Therefore the writ petition is disposed of with a direction to the third respondent to consider and take a decision on the appeal filed against Ext.P5 order after giving an opportunity of hearing to the petitioner, the Manager, the fifth respondent and any other affected party within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.